



**CITY COUNCIL**

JAN SUMRALL  
DISTRICT NO. 1

ROSE RODRIGUEZ  
DISTRICT NO. 2

LARRY M. MEDINA  
DISTRICT NO. 3

JOHN COOK  
DISTRICT NO. 4

DANIEL S. POWER  
DISTRICT NO. 5

PAUL J. ESCOBAR  
DISTRICT NO. 6

LUIS G. SARIÑANA  
DISTRICT NO. 7

ANTHONY COBOS  
DISTRICT NO. 8

REGULAR COUNCIL MEETING  
COUNCIL CHAMBERS  
OCTOBER 15, 2002  
9:00 A.M.

The City Council met in regular session at the above place and date. Mayor Raymond C. Caballero present and presiding and the following Council Members answered roll call: Representatives Rose Rodriguez, John F. Cook, Daniel S. Power, Luis G. Sariñana, and Anthony W. Cobos. Representatives Larry M. Medina and Paul J. Escobar arrived at 9:25 a.m. Absent: Representative Jan Sumrall. Meeting was called to order and the invocation was delivered by Pastor Rodney Hansen, Mt. Hope Lutheran Church, followed by the Pledge of Allegiance to the Flag of the United States of America, Mayor's Proclamations & Certificates.

1. World Population Awareness Week, October 20 – 26, 2002
2. El Paso Restaurant Month
3. Texas Wine Month

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No action was taken on the Discussion and Resolution: Mayor and City Representatives, I will ask for this entity, City Council, to study the feasibility of adopting and creating a group of citizens who will dictate and rule on police arbitraries on citizens. [Mr. Leopoldo Sierra]

Mr. Leopoldo Sierra, citizen, proposed to create a group of citizens who will dictate and rule arbitrarily in regards to citizen complaints.

Mayor Caballero stated that the City is a safe community but will look at the El Paso Police Department internally.

Representative Cobos reminded Council that there was a similar issue before from a Northeast resident. He requested City Council to schedule a Legislative Review Committee of the Whole meeting as promised and he invited Mr. Sierra to attend.

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Motion made by Representative Rodriguez, seconded by Representative Sariñana and unanimously carried to approve the appeal to the decision of the Historic Landmark Commission and accept the Planning, Research and Development department's recommendation regarding re-roofing the property located at 2932 Grant, El Paso, Texas. [Deanna Madrid]

Ms. Deanna Madrid, property owner, explained she could not afford the recommended shingles from the Historic Landmark Commission and provided the cost estimates to Council Members.

Representative Luis Sariñana asked if the last rainstorm had damage the roof and what HLC was doing about it.

Mr. Sheldon Hall, citizen, expressed his concern for the conditions of street numbers and gave some recommendations to Council Members.

Mr. Jerry Fuller of Diamond Shamrock and Mr. Tom Grayson of Walgreens stated that they have rectified address errors and are currently in compliance with the Ordinance.

Motion made by Representative Cook, seconded by Representative Sarifana and unanimously carried to postpone until the Regular City Council Meeting of October 24, 2002 the discussion and action: That the Mayor be authorized to execute an agreement between the City of El Paso and West Texas Confederation of Clubs, Motorcycle Toy Run and presentation of toys to El Paso children, which constitutes an important public purpose of benefit to the City and citizens of El Paso; and under the terms of which agreement the City will provide the necessary funds to cover the costs of the on-duty police and traffic-control assistance. [Armando Parra]

Mr. Armando Parra, spokesperson for West Texas Confederation of Clubs, asked City Council for help in collecting toys for underprivileged children in El Paso. He added that they hope to raise more toys this year.

Mr. Parra explained that it would be the same from last year.

Commander Walsh, El Paso Police Department, replied the reduction in time brought the cost down.

Ms. Rita Rodriguez, City Attorney, explained that last year's fees were waived but this year they are asking for the City co-sponsorship, which requires insurance indemnification.

No action was taken on the discussion and action on the widening and paving of Edgemere Street in front of Bill Sybert School. [Judith Huizar]

Mrs. Judith Huizer and Dora Cooper from Bill Sybert School gave reasons why they are asking City Council to help in getting Edgemere widened and paved in front of Bill Sybert School on the Eastside.

Mr. Charlie McNabb, Chief Administrative Officer, explained to Council that the City does not pave streets in all cases, developers are responsible for this. The school district built the school in the area that was not yet developed but the City is working on the acquisition of Lee Boulevard and has not yet acquired the right of way. It would take money from Texas Department of Transportation grants and public fund to pave Edgemere.

Mayor Caballero acknowledged that the City couldn't pave what the City does not own.

Representative Power stated he has been working and will continue to do so on this issue and expressed his appreciation to citizens in bringing it to the Council's attention.

Mr. McNabb advised that the City did own right of way on the center lanes and would be paving it in December, 2002.

Representative Power reiterated that the developers have not paved Edgemere.

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Motion made by Representative Cook, seconded by Representative Sariñana and unanimously carried to direct the City Attorney's Office to reconsider and reexamine the documents on Yvette Kabeya and submit a petition that meets the requirements of the City Attorney's Office.

Representative Escobar was not present to vote.

The Resolution below was also approved.

**RESOLUTION**

**WHEREAS**, Ms. Yvette Kabeya is an accepted and invested member of El Paso, Texas adding greatly to its cultural and artistic diversity; and

**WHEREAS**, deportation to the Democratic Republic of the Congo may endanger her life.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That, we the undersigned, City Council of El Paso, Texas, ask the U.S. Department of Justice Board of Immigration Appeals to reconsider and reexamine its September 16, 2002, ruling ordering Ms. Yvette Kabeya from this community to the Democratic Republic of the Congo and grant her humanitarian relief and asylum to the great international City of El Paso, Texas in the United States of America.

Mr. Carl Penn, citizen, explained that Ms. Kabeya contributed enormously to the arts in El Paso and asked Council to petition her release and sign the resolution.

Representative Cook moved to direct the City Attorney's Office to review the document and also to submit a petition that meets the legal requirements, Representative Sariñana seconded.

Representative Cobos stated that he is acquainted with Ms. Kabeya and would like to be a character witness for Ms. Kabeya. He also added that the City cannot let one of its finest citizens be deported to a country under such war torn conditions.

Mayor Caballero thanked Mr. Penn and Ms. Kabeya for their commitment to the community and added that the City could not become involved in such matters.

Ms. Rita Rodriguez, City Attorney, stated that the City Attorney's Office will be approving the Resolution as to form.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

Motion made by Representative Cobos, seconded by Representative Sariñana and unanimously carried to approve the above Resolution.

Representative Power and Representative Escobar were not present to vote.

Motion made by Representative Medina, seconded by Representative Cook and unanimously carried to approve, as revised, all matters listed under the Consent Agenda unless otherwise noted.  
(Items approved, postponed, or deleted pursuant to the vote on the Consent Agenda will be shown with an asterisk {\*}).

Representative Escobar was not present to vote.

\*Motion made, seconded and unanimously carried to approve the Minutes for Regular City Council Meetings of May 7, May 28, June 11, June 25, July 2, and July 9, 2002.

\*Motion made, seconded and unanimously carried to excuse Representative Jan Sumrall from the Regular Council Meeting of October 15, 2002.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign the following contracts on behalf of the Arts and Culture Department (formerly Arts Resources Department) for the FY 2003 **Dia De Los Muertos** event to be held on the grounds of the El Paso Museum of Arts' Festival Plaza and San Jacinto Plaza, Friday, November 1, 2002.

1. Mark Alvillar; cost of \$120.
2. Raul Garcia; cost of \$120.
3. Nancy Green; cost of \$120.
4. Dan Lambert; cost of \$150.
5. Robert McMinn; cost of \$120.
6. James Olivas; cost of \$120.
7. Cecilio Ortiz; cost of \$150.
8. Ricardo Paz; cost of \$120.
9. Cesar Ivan Quiñonez; cost of \$120.
10. Thelma Rodriguez Wood; cost of \$120.

**\*RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Director of the El Paso Museum of Art be authorized to accept, on behalf of the City of El Paso, the following gift identified further in Exhibit A: (Exhibit on file with this Resolution in the City Clerk's Office).

1. Three (3) color photographs by Willie Varela entitled *Holiday Inn, Los Angeles, CA; Hollywood Wax Museum, Hollywood, CA; and Socorro, TX* offered by Willie Varela of El Paso, TX
2. One (1) painted fiberglass untitled sculpture by James Drake offered by Gift of Dan Lambert and Rachelle Thiewes of El Paso, TX
3. One (1) oak and steel sculpture by James Surls entitled *Outdoor Walking Flower* offered by Mr. and Mrs. Parker of Dallas, TX

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**\*RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Director of the El Paso Museum of Art be authorized to sign an incoming loan agreement with The Museum of Fine Arts, Houston, Texas, on behalf of the City of El Paso, for the loan of the oil on canvas painting *Portrait of Jean* by Pierre-Auguste Renoir.

This painting will be part of the exhibition *Idol of the Moderns: Pierre-Auguste Renoir and American Painting* (11/3/02-2/16/03). The El Paso Museum of Art will be responsible for insurance and shipping costs.

The cost to the City of El Paso for insurance and shipping is estimated at \$2,625.00.

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Motion made, seconded and unanimously carried to move to the regular agenda the following:

**R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of TWELVE THOUSAND FIFTY AND NO/100THS DOLLARS (\$ 12,050.00 - \$10,850 loan/\$1,200 grant) against the following described real property:

Tract 24, TIERRA VERDE SUBDIVISION, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on file in Book 11, Page 34, Plat Records of El Paso County, Texas; also known and numbered as 8157 Griffin Way, El Paso, Texas 79907.

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City; and that the City Comptroller issue a refund check resulting from an overpayment on the loan for the amount of SEVENTY-FIVE AND 10/100THS DOLLARS (\$75.10).

Mr. Leopoldo requested to move this item to regular but was not present when it was called for discussion.

Motion made by Representative Sariñana, seconded by Representative Escobar and unanimously carried to approve the above Resolution.

**\*R E S O L U T I O N**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

THAT the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of TWENTY THOUSAND EIGHT HUNDRED AND NO/100THS DOLLARS (\$ 20,800.00 - \$18,350 loan/\$2,450 grant) against the following described real property:

Lot 3, Block 109, SUN VALLEY ADDITION, UNIT TWELVE, an Addition to the City of El Paso, El Paso County, Texas, according to the plat thereof on file in Book 18, Page 4, Plat Records, El Paso County, Texas; also known and numbered as 5513 Dearborne Drive, El Paso, Texas 79924.

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City.

.....  
Motion made, seconded and unanimously carried to move to the regular agenda the following:

**R E S O L U T I O N**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

THAT the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of EIGHTEEN THOUSAND TWO HUNDRED AND NO/100THS DOLLARS (\$ 18,200.00 - \$8,277 loan/\$9,923 grant) against the following described real property:

Lot 41, Block 2, TEJAS ADDITION, FIRST SECTION, an Addition to the City of El Paso, El Paso County, Texas, according to the map and plat thereof on file in Volume 1, Page 23, Plat Records of El Paso County, Texas; also known and numbered as 5915 Jemez Drive, El Paso, Texas 79905.

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City; and that the City Comptroller issue a refund check resulting from an overpayment on the loan for the amount of THIRTY-FOUR AND 49/100THS DOLLARS (\$34.49).

Mr. Leopoldo requested to move this item to regular but was not present when it was called for discussion.

Motion made by Representative Sariñana, seconded by Representative Escobar and unanimously carried to approve the above Resolution.

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**\*R E S O L U T I O N**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

THAT the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of TEN THOUSAND FOUR HUNDRED AND NO/100THS DOLLARS (\$ 10,400.00 - \$9,600 loan/\$800 grant) against the following described real property:

Lot 15, Block 45, VISTA DEL SOL UNIT FOUR, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on file in Book 31, Page 20, Plat Records of El Paso County, Texas; also known and numbered as 2319 Escarpa Drive, El Paso, Texas 79935.

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City; and that the City Comptroller issue a refund check resulting from an overpayment on the loan for the amount of SEVEN AND 69/100THS DOLLARS (\$7.69).

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**\*R E S O L U T I O N**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

THAT the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of TEN THOUSAND NINE HUNDRED AND NO/100THS DOLLARS (\$ 10,900.00 - \$9,800 loan/\$1,100 grant) against the following described real property:

Lots 10 and 11, Block 6, CASTLE HEIGHTS, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on file in Book 4, Page 32, Plat Records of El Paso County, Texas; also known and numbered as 3020 Grant Avenue, El Paso, Texas 79930.

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City.

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**\*R E S O L U T I O N**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign a revised CHDO-HOME Financial Terms Contract by and between the City of El Paso and Lower Valley Housing Corporation for the Community Housing Development Project known as the "Pueblo Montana Land Acquisition" in the amount of \$150,000, approved by the City Council on August 13, 2002, to revise the legal description of the land to be purchased for the Project, correct the name of the entity receiving funding, and to further specify the contractual obligations which must be met prior to the filing of the City's Partial Release of Lien with respect to each of the thirty (30) self-help homes constructed; and further to authorize the Mayor to sign a Subordination Agreement between the City, Lower Valley Housing Corporation and the interim and permanent construction lender(s) providing the construction loans for the Project, and Partial Releases of Lien to be filed at the time the homes are sold, provided that the documents are recommended by the Director of Community and Human Development Department and approved by the City Attorney's Office.

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**\*R E S O L U T I O N**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to execute and file a renewal grant application with the Corporation for National Service for the Retired and Senior Volunteer Program, on behalf of the City of El Paso, in the amount of \$103,436; and

That Deborah G. Hamlyn, Director, Community and Human Development, be authorized to furnish such additional information as the Corporation for National Service may require in connection with the grant application for this program; and

That the Mayor be authorized to execute, on behalf of the City of El Paso, any agreements for the above amount, or for a greater or lesser amount, and any amendments to the initial Grant Agreement which increases, decreases, or deobligates Program funds, provided that no additional City funds are required, upon approval by the Corporation for National Service, for aid in financing this program.

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**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor, having found in accordance with Section 13.32.040 of the El Paso Municipal Code that (1) the late filing was not due to a lack of diligence on the part of the applicant; and (2) the short notice does not unreasonably prejudice the City in preparing for the parade or temporary event, has approved the following parade permit, and that such approval is hereby ratified:

Yvan's Offsides Sports Bar and Grill for an outdoor concert on Thursday, October 10<sup>th</sup> 2002 from 5:00 p.m. until 11:59 p.m.

The permit authorized both the amplification for the concert and the encroachment onto a City sidewalk of approximately two inches.

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**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to execute an Agreement by and between the CITY OF EL PASO and THE KERN PLACE ASSOCIATION (the Association), regarding the donation of design services and documents by the Association, as related to the improvement of Alethea Park; and that the Mayor be authorized to sign any related documentation.

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**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign an Agreement granting an Overhead Electrical Easement to the El Paso Electric Company in a portion of Samuel A. Maverick Survey #174 and George Wilson Survey #91, El Paso County, Texas.

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**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign an Agreement for Architectural Services between the **City of El Paso** and **Prestidge Smith Razloznik Barajas Bustamante Architects, Inc.**, for a project known as **"Animal Shelter"** for an amount not to exceed TWO HUNDRED SEVENTY NINE THOUSAND SIX HUNDRED NINETEEN AND NO/100 DOLLARS (\$279,619.00).

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\*Motion made, seconded and unanimously carried to postpone until the Regular City Council Meeting of October 24, 2002 a Resolution that the Mayor be authorized to execute the following Employee Contractor contract on behalf of the Parks & Recreation Department. Funding for this contract is in fiscal year 2002-2003 appropriations to be approved by the City Council, subject to approval by the City's Civil Service Commission.



**AQUATICS**

**DEPARTMENT ID: 51010281, ACCOUNT 501011**

1. CONTRACTOR: Reginald Small, Lifeguard, Step 2  
DATES: October 01, 2002 thru September 30, 2003  
RATE PER HR: \$6.00  
CONTRACT NO: 2002-2003-146

.....  
\*Motion made, seconded and unanimously carried to until the Regular City Council Meeting of October 24, 2002 a Resolution that the Mayor be authorized to execute the following Employee Contractor contracts on behalf of the Parks & Recreation Department. Funding for these contracts is in fiscal year 2002-2003 appropriations to be approved by the City Council, subject to approval by the City's Civil Service Commission.

**AQUATICS**

**DEPARTMENT ID: 51010281, ACCOUNT 501011**

1. CONTRACTOR: Jacklyn Gallegos, Lifeguard, Step 2  
DATES: October 01, 2002 thru September 30, 2003  
RATE PER HR: \$6.00  
CONTRACT NO: 2002/2003-148
2. CONTRACTOR: Moises Gutierrez, Lifeguard, Step 2  
DATES: October 01, 2002 thru September 30, 2003  
RATE PER HR: \$6.00  
CONTRACT NO: 2002/2003-149
3. CONTRACTOR: Maribel Llaguno, Lifeguard, Step 2  
DATES: October 01, 2002 thru September 30, 2003  
RATE PER HR: \$6.00  
CONTRACT NO: 2002/2003-150
4. CONTRACTOR: Douglas Long, Lifeguard, Step 4  
DATES: October 01, 2002 thru September 30, 2003  
RATE PER HR: \$7.20  
CONTRACT NO: 2002/2003-151
5. CONTRACTOR: Guadalupe Montes, Lifeguard, Step 2  
DATES: October 01, 2002 thru September 30, 2003  
RATE PER HR: \$6.00  
CONTRACT NO: 2002/2003-152
6. CONTRACTOR: Sonny Valenzuela, Lifeguard, Step 2  
DATES: October 01, 2002 thru September 30, 2003  
RATE PER HR: \$6.00  
CONTRACT NO: 2002/2003-153

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**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign a Personal Services Contract between the **CITY OF EL PASO** and **JOSE B. AGUIRRE** to assist the Information Technology Department at a biweekly rate of \$2,224.10 for 40 hours per week. The term of the contract shall be for the period of October 16, 2002 through April 15, 2003.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **THOMAS M. DOYLE** to assist the Financial Services Department as a Grants Coordinator for 40 hours per week at a biweekly rate of \$2,500.00. The term of the contract shall be for the period of October 16, 2002 through October 15, 2003. Total amount of contract not to exceed \$65,000.00 per year.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **TAMARA ANNE ANDREW** to assist the Financial and Administrative Services Department as a Tourism Programs Coordinator for 40 hours per week at a biweekly rate of \$1,538.46. The term of the contract shall be for the period of October 16, 2002 through October 15, 2004.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **AMY B. NEAL** to assist the Police Department with entering traffic collision data, analyzing and disseminating the information to the public through the media and other public venues, for 40 hours per week, at a biweekly rate of \$1,367.54. The term of the contract shall be for the period of October 16, 2002 through October 15, 2003.

**\*R E S O L U T I O N**

**A RESOLUTION DECLARING THE INTENTION OF THE CITY OF EL PASO, PURSUANT TO INTERNAL REVENUE CODE REGULATION SECTION 1.150-2(e), TO FINANCE CERTAIN EXPENDITURES TO BE INCURRED FOR YEAR 2003 BOND ACQUISITIONS FROM THE PROCEEDS OF THE SALE OF CITY TAX-EXEMPT OBLIGATIONS. (AUTOMATED SIDE LOAD CONTAINERS)**

WHEREAS, the City of El Paso, Texas (the "City") is a governmental entity authorized to issue obligations to finance its activities pursuant to the laws of the State of Texas, the interest on which is excludable from gross income for federal income tax purposes (Tax-Exempt Obligations) pursuant to Section 103 of the United States Internal Revenue Code of 1986, as amended (the "Code"); and,

WHEREAS, the City will make, or has made not more than 60 days prior to the date hereof, payments with respect to the acquisition of Automated Side Load Containers listed in Exhibit "A" attached hereto, and; (Exhibit on file with this Resolution in the City Clerk's Office).

WHEREAS, the City has concluded that it does not currently desire to issue Tax-Exempt Obligations to finance the costs associated with the acquisition of the items listed herein; and,

WHEREAS, the City desires to reimburse itself for the costs associated with the items listed herein from the proceeds of Tax-Exempt Obligations to be issues subsequent to the date hereof; and,

WHEREAS, the City reasonably expects to issue Tax-Exempt Obligations to reimburse itself the costs associated the items listed herein; NOW THEREFORE,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO THAT:**

Section 1. The City Council hereby declares the intention of the City of El Paso, Texas, pursuant to Regulation Section 1.150-2(e) of the United States Internal Revenue Code, to finance expenditures to be incurred from the proceeds of the sale of the City's Tax-Exempt Obligations.

Section 2. The City reasonably expects to reimburse itself for all costs that have been or will be paid subsequent to a date that is sixty days prior to the date hereof and that are to be paid in connection with the acquisition of the items listed in Exhibit "A", attached hereto, from the proceeds of Tax-Exempt Obligations to be issued subsequent to the date hereof.

Section 3. The City reasonably expects that the maximum principal amount of Tax-Exempt obligations issued to reimburse the City for the costs associated with the items listed herein will not exceed \$1,117,500.

Section 4. The Mayor is hereby authorized to make any necessary budget appropriations or adjustments to comply with the intent expressed in this resolution.

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**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign an Agreement with the FRANKLIN CONNECTIONS, L.P. to lease the company Three (3) 32 Gallon Containers and Fifteen (15) 8 Gallon Baskets for a service fee of \$5.00 for each month for the purpose of collecting the company's recyclable materials in conjunction with the Department of Solid Waste Management's recycling program.

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**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign an Agreement with the LONGHORN PIZZA, INC., D/B/A DOMINO'S PIZZA, passed and approved March 19, 2002, to lease Seven (7) additional 4 Cubic Yard, for a total of Nine (9) 4 Cubic Yard Dumpsters, for a service fee of \$15.00 for each Dumpster for each month, in exchange for their recyclable materials in conjunction with the Department of Solid Waste Management's recycling program.

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**\*RESOLUTION**

**WHEREAS**, in accordance with Section 9.04.380, entitled Abatement, of Chapter 9.04, Solid Waste Management, of the El Paso City Code, after providing due notices to the owner GOMEZ, ALFREDO of the hereinafter described property that the owner's property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code, and the owner, having failed to comply with due notices, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

**WHEREAS**, the Director of the Department of Solid Waste Management has reported the cost of doing such work in the amount hereinafter set forth;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

6200 Block of YANDELL, city of El Paso, El Paso County, Texas, being more particularly described as Lot 21, Block 7, Womble Subdivision, Parcel W813-999-0070-4100,

to be ONE HUNDRED EIGHTEEN & 80/100 DOLLARS (\$118.80) as reported by the Director of the Department of Solid Waste Management. The City Council finds that the work was performed on the First day of May, 2002 and approves the costs.

2. The City Council, in accordance with Section 9.04.380 of the El Paso City Code, declares the above total amount of ONE HUNDRED EIGHTEEN AND 80/100 DOLLARS (\$118.80) be a lien on the above described property, said amount being due and payable within thirty (30) days from date of Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of this Lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's Office relating to the proceeding against the above-described property are made a part of this Resolution by reference.

.....  
**\*RESOLUTION**

**WHEREAS**, in accordance with Section 9.04.380, entitled Abatement, of Chapter 9.04, Solid Waste Management, of the El Paso City Code, after providing due notices to the owner, MARIA S. MOLINAR of the hereinafter described property that the owner's property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code, and the owner, having failed to comply with due notices, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

**WHEREAS**, the Director of the Department of Solid Waste Management has reported the cost of doing such work in the amount hereinafter set forth;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

5915 Macias Street, City of El Paso, El Paso County, Texas, being more particularly described as Lot 19, Block B, Deal Subdivision, Parcel D317-999-000B-9100,

to be ONE HUNDRED EIGHTY EIGHT AND 36/100 DOLLARS (\$188.36) as reported by the Director of the Department of Solid Waste Management. The City Council finds that the work was performed on the Thirteenth day of May, 2002 approves the costs.

2. The City Council, in accordance with Section 9.04.380 of the El Paso City Code, declares the above total amount of ONE HUNDRED EIGHTY EIGHT AND 36/100 DOLLARS (\$188.36) to be a lien on the above described property, said amount being due and payable within thirty (30) days from date of Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of this Lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's Office relating to the proceeding against the above-described property are made a part of this Resolution by reference.

**\*R E S O L U T I O N**

**WHEREAS**, in accordance with Section 9.04.380, entitled Abatement, of Chapter 9.04, Solid Waste Management, of the El Paso City Code, after providing due notices to the owner: KIPP, JOHN M. of the hereinafter described property that the owner's property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code, and the owner, having failed to comply with due notices, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

**WHEREAS**, the Director of the Department of Solid Waste Management has reported the cost of doing such work in the amount hereinafter set forth;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

400 Block of Yarbrough, City of El Paso, El Paso County, Texas, being more particularly described as TR 8-A (1.11258 AC), Block 33, Ysleta Subdivision, Parcel Y805-999-0330-0801,

to be FIVE HUNDRED SIXTY NINE AND 40/100 DOLLARS (\$569.40) as reported by the Director of the Department of Solid Waste Management. The City Council finds that the work was performed on the Eighth day of April, 2002 approves the costs.

2. The City Council, in accordance with Section 9.04.380 of the El Paso City Code, declares the above total amount of FIVE HUNDRED SIXTY NINE AND 40/100 DOLLARS (\$569.40) TO be a lien on the above described property, said amount being due and payable within thirty (30) days from date of Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of this Lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's Office relating to the proceeding against the above-described property is made a part of this Resolution by reference.

.....  
**\*R E S O L U T I O N**

**WHEREAS**, in accordance with Section 9.04.380, entitled Abatement, of Chapter 9.04, Solid Waste Management, of the El Paso City Code, after providing due notices to the owner: JESUS & SAN JUAN ROSALES of the hereinafter described property that the owner's property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code, and the owner, having failed to comply with due notices, the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

**WHEREAS**, the Deputy Director of the Department of Solid Waste Management has reported the cost of doing such work in the amount hereinafter set forth;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

953 Saint Laurent Drive, City of El Paso, El Paso County, Texas, being more particularly described as Lot 50, Block 2-B, Le Barron Park Replat A Subdivision, Parcel L217-999-002B-9900, to be ONE HUNDRED FIFTY TWO AND 63/100 DOLLARS (\$152.63) as reported by the Deputy Director of the Department of Solid Waste Management. The City Council finds that the work was performed on the Thirteenth day of May, 2002 approves the costs.

2. The City Council, in accordance with Section 9.04.380 of the El Paso City Code, declares the above total amount of ONE HUNDRED FIFTY TWO AND 63/100 DOLLARS (\$152.63) to be a lien on the above described property, said amount being due and payable within thirty (30) days from date of Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of this Lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's Office relating to the proceeding against the above-described property are made a part of this Resolution by reference.

.....  
\*NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 12<sup>th</sup> day of November, 2002 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 2401 San Diego Avenue in El Paso, Texas, which property is more particularly described as:

Lots: 15 & 16, Block 55, Highland Park

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Esperanza Torres Staheli, 2401 San Diego Avenue, El Paso, Texas 79930, Estate of Charles John Staheli, 2401 San Diego Avenue, El Paso, Texas 79930, are listed as the Owners of the real property described herein.

The Owners of said property are hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owners, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Titles 17 and 18 of the code as mandated by Section 18.52.040 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

If the Owners fail, neglect or refuse to comply with the order of City Council the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owners, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owners for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owners show that the property is the Owner's lawful homestead and;
- III) the Owners may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owners and all other persons having an interest in the property as provided by law.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5<sup>th</sup> floor, City Hall, no later than the 20<sup>th</sup> day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

.....  
\*NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 12<sup>th</sup> day of November, 2002 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 418 San Pablo Pl., in El Paso, Texas, which property is more particularly described as:

Lot: The North Sixty feet of Tract 4, NAJERA SUBDIVISION, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on File in Book 14, Page 27, Plat Records of El Paso County, Texas.

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Maria Horten & Margaret H. Vara, 418 San Pablo Pl., El Paso, Texas 79915, are listed as the Owners of the real property described herein.

The Owners of said property are hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owners, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Titles 17 and 18 of the code as mandated by Section 18.52.040 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

If the Owners fail, neglect or refuse to comply with the order of City Council the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owners, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owners for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owners show that the property is the Owner's lawful homestead and;
- III) the Owners might be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owners and all other persons having an interest in the property as provided by law.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5<sup>th</sup> floor, City Hall, no later than the 20<sup>th</sup> day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

.....  
\*NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 12<sup>th</sup> day of November, 2002 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 6045 Quail Avenue, in El Paso, Texas, which property is more particularly described as:

Lot: 16, Block 2, Mountaineire

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Estate of Gerald Euegene Bell, 6045 Quail Avenue, El Paso, Texas 79924-4218 and Eva L. Bell (in Equitable Interest), 6045 Quail Avenue, El Paso, Texas 79924-4218, are listed as the Owners of the real property described herein.

The Owners of said property are hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owners, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Titles 17 and 18 of the code as mandated by Section 18.52.040 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

If the Owners fail, neglect or refuse to comply with the order of City Council the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owners, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owners for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owners show that the property is the Owner's lawful homestead and;
- III) the Owners may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owners and all other persons having an interest in the property as provided by law.



According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5<sup>th</sup> floor, City Hall, no later than the 20<sup>th</sup> day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

.....  
\*Motion made, seconded and unanimously carried to approve the Staffing Table Change for Zoo

Delete	2.0	Exhibit Technician	GS 17
Add	2.0	Zoo Exhibit Technician	GS 19

.....  
\*Motion made, seconded and unanimously carried to re-appoint Mario P. Briones to the Cable Communications Commission by Representative Dan Power.

.....  
\*Motion made, seconded and unanimously carried to re-appoint Luis H. De La Cruz to the Zoning Board of Adjustment by Representative Dan Power.

.....  
\*Motion made, seconded and unanimously carried to re-appoint Herminia (Minnie) Contreras to the Charitable Solicitations Commission by Representative Paul J. Escobar.

.....  
\*Motion made, seconded and unanimously carried that the following installment agreements for AD VALOREM taxes be approved in the amount shown and that the Mayor be authorized to sign said agreements on behalf of the City:

- A. PID #L178-000-0030-0700, \$317.28 per month installments on a balance of \$3,807.36 for 1997, 1998, 1999 & 2000 taxes; Raymundo B. Gallegos –132 Kila St.
- B. PID #A475-999-0040-6100, \$295.25 per month installments on a balance of \$2,362.00 for 1999, 2000 & 2001 taxes; Dionisio Melendez & Mercedes Melendez – Leonor C.

.....  
\*Motion made, seconded and unanimously carried that the following tax refunds be approved:

- A. First Nationwide Mortgage, in the amount of \$1,536.22; overpayment of 2001 taxes. (PID #C741-999-0060-1900)
- B. Wells Fargo Home Mortgage, in the amount of \$2,022.49; overpayment of 2001 taxes. (PID #U819-999-006B-2308)
- C. First American Real Estate Tax Service, in the amount of \$2,462.39; overpayment of 2000 taxes. (PID #W145-999-0770-2800)

.....  
\*Motion made, seconded and unanimously carried to approve Change Order No. Six (Construction Change) to J.D. Abrams L.P. “Air Cargo Ramp#4 and Extension of Taxiway “K” for a decreased amount of (\$78,673.88). To make final adjustments to pay items in contract to reflect actual quantities utilized.

.....  
\*Motion made, seconded and unanimously carried to authorize the Director of Purchasing to issue a Purchase Order to Maximus, Inc., in the amount of \$9,700.00 for maintenance for the fleet management software, Fleet Anywhere. Maximus acquired Peregrine Transportation Asset Management and is the sole provider of the fleet management software. Contract period September 1, 2002 through August 31, 2003 and/or any extension thereof. (Contract Number 2003-036)

Additionally, it is requested that the Mayor be authorized to sign any additional documents, contract, and/or agreements.

\*Motion made, seconded and unanimously carried to authorize the Director of Purchasing to issue a Purchase Order to 3COM Corporation for hardware maintenance of 3COM owned equipment, in the amount of \$35,340.00. Contract agreement September 1, 2002 through August 31, 2003 and any extension thereof. (2003-038)

Award amount: \$35,340.00  
Funds available in: 39010351-502229 General Funds- Maintenance Contracts  
Department: Information Services

Motion made by Representative Cobos, seconded by Representative Power and unanimously carried to authorize the Director of Purchasing to issue a Purchase Order to Toter, Incorporated in the amount of \$1,117,500.00 for Automated Side Load Containers as a "Public Health Issue" for the Department of Solid Waste Management.  
(Contract No. 2003-042)

Department: Solid Waste Management  
Funds Available: 04252003- 508029-27261-PMB0004160  
Funding Source: 2003 Certificates of Obligation-Solid Waste Management Equipment  
Amount: \$1,117,500.00

Representative Cobos expressed his opposition to the use of Certificates of Obligation.

\*Motion made, seconded and unanimously carried to declare Motorola as sole source for depot level service for the City's Motorola subscriber radios and to authorize the Director of Purchasing to issue purchase orders in the estimated sum of \$24,000.00 dollars annually to Motorola. Direct depot service is not available for Motorola radios through outside third party service providers. Direct depot service is the sole source business of Motorola. This service is badly needed to supplement the in-house staff available to service radios. Contract period September 1, 2002 through August 31, 2003 and/or any extension thereof. It is further requested that staff be authorized to negotiate, Legal to review, and that the Mayor be authorized to sign any additional documents and agreements. (2000-008)

Funds available: 39010352-502229 Public Safety Technology, General Funds  
Amount: \$24,000.00 (estimated)

.....  
\*Motion made, seconded and unanimously carried to award Bid No. 2002-224 Elgin Sweeper Proprietary and After Market Parts

Award to: Vendor (1): STM Equipment, Inc.  
Arlington, Texas  
Item (s): 1  
Amount: \$20,000.00 (estimated annually)  
Vendor (2): Laca Equipment, Inc.  
Jackson Center, Ohio  
Item (s): 2  
Amount: \$20,000.00 (estimated annually)

Department: Fleet Services  
Funds available: 37370510-503121  
Funding source: Fleet Service Internal Fund  
Total award: \$40,000.00

The Fleet Services and Purchasing Departments recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties.

Vendor # 1 offers the City the option to extend the term of the contract at the same unit prices for two (2) additional years if the option is exercised within two (2) years from the date of the award.

This is a Requirements Type Contract with an initial term of Thirty-Six (36) months.

.....  
\*Motion made, seconded and unanimously carried to award Bid No. 2002-233 Soft Drink Vending Machine Service

Award to: Magnolia Coca Cola Bottling Company  
El Paso, Texas  
Item (s): All  
Amount: Revenue Generating (estimated annually)

Department: Parks and Recreation  
Funding source: Revenue Generating  
Total award: Revenue Generating

The Parks and Recreation and Purchasing Departments recommend award to Magnolia Coca Cola Bottling Company. Their proposal is satisfactory.

This is a thirty-six (36) month revenue-generating contract for soft drink vending machine services, with the option of extending the term of the contract for two (2) additional years if the option is exercised within two years from the date of the award.

\*Motion made, seconded and unanimously carried to approve the request of Loretto Academy to hold a foot race/walk on October 26, 2002 from 9:00 a.m. to 10:30 a.m. Route: Start at 1300 Hardaway to Bliss, Radford, Leeds, Hawley, Howze, Hastings, Cumberland, Graham, Raynolds, Clifton, Radford, Trowbridge, Hardaway, and end at 1300 Hardaway. Approximately 150 persons will take part and 50 spectators are anticipated. PERMIT NO. 02-131

\*Motion made, seconded and unanimously carried to approve the request of St. Clement's Episcopal Church to block off Yandell between Ochoa and Campbell on October 27, 2002 from 9:00 a.m. to 5:00 p.m. for a Fall Festival Celebration. Approximately 700 persons will take part. Barricades must be manned according to the State's "Manual of Uniform Traffic Control Devices". PERMIT NO. 02-144.

\*Motion made, seconded and unanimously carried to approve the request of YMCA of Greater El Paso to hold a Turkey Trot Run/Walk on November 28, 2002 from 6:30 a.m. to 9:00 a.m. Route: Start at Montana and Ochoa, to Williams, to Rio Grande, to Willow, to Montana, back to Ochoa on Montana. Approximately 1,000 persons and 2 vehicles will take part. PERMIT NO. 02-154

\*Motion made, seconded and unanimously carried to approve the request of KLAQ Radio to hold the 17<sup>th</sup> Annual Halloween Parade on October 31, 2002 from 3:00 p.m. to 5:00 p.m. Route: Start at south entrance to Album Park off Album, proceed out of the park, west on Album to Cork, left on Cork to Daphnie, right on Daphnie to Fir, left on Fir to Bermuda, left on Bermuda to Zanzibar, left on Zanzibar to Album, right on Album to park. Approximately 1,200 persons and 75 vehicles will take part and 10,000 spectators are anticipated. This request includes permission to use amplification (PA system, loudspeaker). PERMIT NO. 02-152

\*Motion made, seconded and unanimously carried to approve the request of GECU to use amplification (300 amps, 2 speakers, 1 microphone) on October 26, 2002 from 2:00 p.m. to 6:00 p.m. at 7227 Viscount for 70<sup>th</sup> Anniversary Celebration. Approximately 1,000 spectators are anticipated. PERMIT NO. 02-155

\*Motion made, seconded and unanimously carried to approve the request of UTEP Student Development Center to hold a homecoming parade on October 18, 2002 from 12:00 p.m. to 1:00 p.m. Route: Start at Baltimore, proceed east to Oregon, right on Oregon and proceed south to University, right on University and end at Wiggins. Approximately 200 persons and 20 vehicles will take part and 4,000 spectators are anticipated. PERMIT NO. 02-161

\*Motion made, seconded and unanimously carried to approve the request of Rosalia Andujo to block off the alley between Sixth & Seventh and Cotton & Park on October 19, 2002 from 8:00 a.m. to 8:00 p.m. for a block party. Approximately 80 persons will take part and 100 spectators are anticipated. Barricades must be manned according the State's "Manual of Uniform Traffic Control Devices". PERMIT NO. 02-160

ORDINANCE 15258

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE NO. 2033, 3292, AND 9768, WHICH CHANGED THE ZONING OF PORTIONS OF LOTS 1 AND 1A, BLOCK 6, NORTHGATE REPLAT C, CITY OF EL PASO, EL PASO COUNTY, TEXAS (9428 DYER) AND IMPOSED CERTAIN CONDITIONS, BY DELETING THOSE CONDITIONS. THE PENALTY BEING AS PROVIDED IN SECTION 20.68.010 OF THE EL PASO MUNICIPAL CODE.**

Ms. Patricia Adauto, Director of Planning, Research and Development, advised Council Members that there is no opposition and that the department recommended in favor.

There being no further public comment, the vote was taken.

Motion duly made by Representative Cook, seconded by Representative Rodriguez, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos  
NAYS: None Absent: Council Member Sumrall Not Present: Council Member Escobar

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

ORDINANCE 15259

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE NO. 9473, WHICH CHANGED THE ZONING OF ALL OF LOTS 11-13, BLOCK 113A, VISTA DEL SOL UNIT SIXTEEN PLAT, CITY AND COUNTY OF EL PASO, TEXAS (1430 VANDERBILT), AND IMPOSED CERTAIN CONDITIONS, BY DELETING THOSE CONDITIONS. THE PENALTY BEING AS PROVIDED IN SECTION 20.68.010 OF THE EL PASO MUNICIPAL CODE.**

Representative Sariñana stated there is opposition to the request and asked what the category of the property was.

Ms. Patricia Adatao, Director of Planning, Research and Development, gave the particulars.

There being no further public comment, the vote was taken.

Motion duly made by Representative Sariñana, seconded by Representative Cobos, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos  
NAYS: None Absent: Council Member Sumrall

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

ORDINANCE 15260

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 5 (BUSINESS TAXES, LICENSES AND REGULATIONS), CHAPTER 5.24 (CHARITABLE SOLICITATIONS), OF THE EL PASO MUNICIPAL CODE TO SUBSTITUTE THE TERM "BUILDING PERMITS AND INSPECTIONS DIRECTOR" FOR THE TERM "CITY CLERK" AT ALL PLACES IN CHAPTER 5.24 OF THE CODE WHERE SUCH TERM APPEARS.**

There being no public comment, the vote was taken.

Motion duly made by Representative Power, seconded by Representative Escobar, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos  
NAYS: None Absent: Council Member Sumrall

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....  
ORDINANCE 15261

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 13 (STREETS, SIDEWALKS AND PUBLIC PLACES), CHAPTERS 13.28 (SOUND AMPLIFYING DEVICES) AND 13.32 (PARADES AND TEMPORARY EVENTS), OF THE EL PASO MUNICIPAL CODE TO SUBSTITUTE THE TERM "BUILDING PERMITS AND INSPECTIONS DIRECTOR" FOR THE TERM "CITY CLERK" AT ALL PLACES IN CHAPTERS 13.28 AND 13.32 OF THE CODE WHERE SUCH TERM APPEARS.**

There being no public comment, the vote was taken.

Motion duly made by Representative Power, seconded by Representative Escobar, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos  
NAYS: None                                      Absent: Council Member Sumrall

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....  
\*Motion made, seconded and unanimously carried to postpone four (4) weeks an Ordinance amending Ordinance No. 14996 (which created Tax Increment Financing District Number Two (No. 2), by amending Section 9.1 concerning the composition of the Board of Directors and Section 12 concerning the taxes to be included in the Tax Increment Fund, and providing a severability clause.

.....  
\*Motion made, seconded and unanimously carried to postpone four (4) weeks an Ordinance amending Ordinance No. 14999 (which created Tax Increment Financing District Number Three (No. 3), by amending Section 9.1 concerning the composition of the Board of Directors and Section 12 concerning the taxes to be included in the Tax Increment Fund, and providing a severability clause.

.....  
Motion made by Representative Cook, seconded by Representative Cobos and unanimously carried to send to Legislative Review Committee Meeting for the Parks and Recreation Department the discussion and action on City Park swings.

Representative Sariñana asked why swings are being removed from City parks.

Mr. Charles Nutter, Director of Parks and Recreation, explained that the swings were removed due to ADA requirements, safety and liability issues.

Representative Sariñana inquired if swings would be replaced with better, safer swings.

Mr. Nutter responded yes.

Representative Sariñana requested that swings be replaced and to include them in the next year's budget. He explained the swing situation in Albuquerque, New Mexico.

Ms. Rita Rodriguez, City Attorney, explained that it was a liability issue and would give advise in executive session.

Representative Power explained that he was informed by the Parks Department of the liability issues.

Motion made by Representative Cook, seconded by Representative Cobos and unanimously carried to move to executive session the discussion and action on city park swings.

.....  
**RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the City of El Paso provide notice to the owners of intent to acquire the following parcels for the Mission Trail Enhancement Project Visitor's Center; a 1995 State Transportation Enhancement Program Agreement:

Tract 22A, Block 45, Ysleta Grant;  
All containing 0.87 acres more or less.

Motion made by Representative Escobar, seconded by Representative Cobos and unanimously carried to approve the above Resolution.

.....  
Motion made by Representative Sariñana, seconded by Representative Escobar and unanimously carried that the following Ordinances, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

- A. An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.030 (Schedule III – Parking prohibited at all times on certain streets) to revise an existing location on Carnegie Avenue, both sides. The penalty as provided in Section 12.84.010 of the El Paso Municipal Code.
- B. An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.150 (Schedule XIV, Speed Limits), of the El Paso Municipal Code, to include an additional section identifying the speed limit as forty miles per hour, on Bob Hope Drive from Eschenbrenner Avenue to Joe Battle Boulevard. The penalty as provided in Section 12.84.010 of the El Paso Municipal Code.
- C. An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.150 (Schedule XIV, Speed Limits), of the El Paso Municipal Code, to include an additional section identifying the speed limit as forty miles per hour, on Nolan Richardson Drive from Edgemere Boulevard to Pebble Hills Boulevard. The penalty as provided in Section 12.84.010 of the El Paso Municipal Code.
- D. An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.040 (Schedule IV – Parking prohibited during certain hours on certain streets) Paragraph 12.88.040 (H) (No Parking, 7:00 A.M. to 5:00 P.M.) to revise an existing location at Roswell Street, both sides, between Gateway east Boulevard and Otero Court. The penalty as provided in Section 12.84.010 of the El Paso Municipal Code.

**PUBLIC HEARING WILL BE HELD OCTOBER 29, 2002 FOR ITEMS A - D**

- E. An Ordinance Granting Special Permit No. SU-02017 to satisfy parking requirements for Parcel I, described as Lots 1 & 2, Block 83, EAST EL PASO, El Paso, El Paso County, Texas (3131 Yandell Drive), by allowing off-street parking on Parcel II, described as Lots 19, 20, 21 & 22, Block 83, EAST EL PASO, El Paso, El Paso County, Texas (3117 Yandell Drive), pursuant to Section 20.22.040.O (Zoning), the penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. ZONE: R-5 (Residential). Applicant: El Divino Redentor Methodist Church / Representative: Sergio Aguilar, 2704 Idalia, El Paso, TX 79930
- F. An Ordinance Granting Special Permit No. SU-02018 to allow for a parking reduction on the property described as Blocks 19 & 20, MILLS ADDITION, and Blocks 7H & 8H, MAP 2 of the SATTERTHWAITE ADDITION, El Paso, El Paso County, Texas (501 N. Oregon Street and 510 Santa Fe Street), pursuant to Section 20.64.175, and the penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. ZONE: C-5 (Central Business District). Applicant: City of El Paso, Dept. of Engineering / Representative: Office for Public Architecture, 1845 Northwestern Dr. Suite A, El Paso, TX 79912
- G. An Ordinance changing the zoning of Lot 33, Block 572, VISTA DEL SOL UNIT 162, El Paso, El Paso County, Texas (12220 Pellicano) from A-2/SC (Apartment/Special Contract) to A-3/SC (Apartment/Special Contract). The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant: Pellicano Residential Partners, Ltd./ Representative: Dan Dawes, 5525 N. Stanton, El Paso, TX 79912. ZC-02041

**PUBLIC HEARING WILL BE HELD NOVEMBER 5, 2002 FOR ITEMS E – G**

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

**ADDITION TO THE AGENDA**

**\*R E S O L U T I O N**

**WHEREAS**, by Resolution dated November 6, 2001, the City Council of the City of El Paso authorized the creation of the Mayor's Brownfields Redevelopment Task Force to assist with the implementation of the El Paso Brownfields Redevelopment Project and to make recommendations to the Mayor with respect to economic development of properties which may potentially be classified as Brownfields sites; and

**WHEREAS**, the Task Force was created for an initial term of one year, subject to continuation upon authorization by the Mayor and Council; and

**WHEREAS**, the Mayor and Council desire to extend the term of the Task Force for one year, beginning as of November 1, 2002; and

**WHEREAS**, seven individuals were nominated to serve as members of the original Task Force; and

**WHEREAS**, the Mayor desires that the original members continue in their appointments and that an additional member of the Task Force be nominated;

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**



1. That the initial term of the Mayor's Brownfields Redevelopment Task Force be hereby extended for one year commencing November 1, 2002, subject to continuation upon authorization by the Mayor and Council;
2. That the original seven members of the Task Force continue to serve in such positions; and that Mike White be nominated to serve as an additional member of the Task Force.

.....

**\*RESOLUTION**

**WHEREAS**, the terrorist attacks of September 11, 2001, have changed life throughout the Nation, and robbed American of their sense of security;

**WHEREAS**, the attacks have far reaching implications for all cities and towns and their first responders now on the front lines of hometown defense;

**WHEREAS**, cities have shouldered the full financial burden for hometown security defense at a cost of approximately \$3 billion since September 2001;

**WHEREAS**, at significant cost to local taxpayers across America cities have met their many new hometown security challenges by updating their emergency plans to meet multiple new threats such as dirty bombs, biological and chemical weapons, taking on security duties at commercial airports, identifying and assessing their vulnerabilities, and improving collaboration, communication and information sharing within their regions and with state and federal government;

**WHEREAS**, cities cannot carry this new financial burden alone much longer and continue to maintain other essential local services without raising local taxes or cutting services;

**WHEREAS**, a recent National League of Cities survey shows that, for the first time since 1992, a majority of cities are less able to meet their financial needs because of a fall off in revenues due to economic downturn and the surge in spending for hometown security;

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

**THAT** the City of El Paso endorses October 22, 2002, as Hometown Security Day, joining the National League of Cities to draw attention to the essential role of America's Cities and towns as the front line of homeland defense and the urgent need for a true federal-local partnership to carry out this new responsibility; and

**BE IT FURTHER RESOLVED THAT** the City of El Paso urges Congress and the President to pass a homeland security bill now to provide a federal framework for unified and coordinated responses to terrorism; and

**BE IT FURTHER RESOLVED THAT** the City of El Paso urges Congress, with the full support of the President, to finalize immediately 2003 funding for homeland security, particularly the \$3.5 billion promised for first responders and the \$22 million per month reimbursement promised to cities and towns for providing local law enforcement at the nation's commercial airports.

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**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign an Agreement by and between the Comptroller of Public Accounts, State Energy Conservation Office (SECO), and the City of El Paso, to conduct an energy efficiency audit of City facilities.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor is hereby authorized to sign, on behalf of the City, Amendment Number One to Local Transportation Project Advance Funding Agreement between the City of El Paso and the State of Texas, on behalf of the Texas Department of Transportation, for an STP-Metropolitan Mobility Project known as the Central Business District Phase III Project in El Paso, Texas, to revise the changes in scope of work and funding agreement.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor is hereby authorized to sign, on behalf of the City, an agreement between the City of El Paso, the State of Texas, on behalf of the Texas Department of Transportation, and the United States Army Air Defense Artillery Center and Fort Bliss, to allow the State and City to coordinate work to bore under Fort Bliss railroad tracks for the installation of fiber optic cable for the State's in-house, closed system Traffic Management Communication System; and that the Mayor is hereby authorized to execute any necessary budget transfers to accomplish the intent of this Resolution.

\*Motion made, seconded and unanimously carried to postpone until the Regular City Council Meeting of October 24, 2002 a Resolution that the Mayor be authorized to sign a contract between the **CITY OF EL PASO** and **ANDREW GUGAN** to assist the Museum of Art in teaching an Art class and coordinating a Printmaking class at the rate of \$20.00 per hour, not to exceed 2 hours per week. The term of the contract shall be October 16, 2002 through November 30, 2002.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign the Vendor's Agreement between the CITY OF EL PASO, on behalf of the Parks & Recreation Department, and YWCA - CHILD CARE MANAGEMENT SERVICES for daycare cost subsidies to eligible low income families at the daycare center located at Pavo Real Recreation Community Center, more particularly described as 9301 Alameda Dr., El Paso, Texas, 79907.

\*Motion made, seconded and unanimously carried to approve request that \$100.00 be allocated from Representative Medina's, District #3, Discretionary Funds to San Juan Recreation Center to assist with their Safe Halloween Block Party.

\*Motion made, seconded and unanimously carried to postpone five (5) weeks the appointment Servando Hernandez to the Architect and Engineer Selection Committee by Mayor Raymond C. Caballero.

\*Motion made, seconded and unanimously carried to appoint Dexter Katzman to the Parks and Recreation Board by Mayor Raymond C. Caballero.

\*Motion made, seconded and unanimously carried to appoint Beatrice Maestas -- ALTERNATE -- to the Zoning Board of Adjustment by Mayor Raymond C. Caballero.

\*Motion made, seconded and unanimously carried to appoint Esther Perez to the Mayor's Advisory Board on Aging by Mayor Raymond C. Caballero.

\*Motion made, seconded and unanimously carried to appoint Willie Padilla to the Mayor's Advisory Board on Aging by Mayor Raymond C. Caballero.

Motion made by Representative Cook, seconded by Representative Cobos and unanimously carried to accept the donation of \$15,506.00 from the El Paso Downtown Management District for upgrade and maintenance of the Paseo De Las Luces Tree Well Lighting and to expedite the project.

Motion made by Representative Medina, seconded by Representative Cook and unanimously carried that the City Council retire into **EXECUTIVE SESSION** pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:

- Section 551.071      CONSULTATION WITH ATTORNEY
- Section 551.072      DELIBERATION REGARDING REAL PROPERTY
- Section 551.073      DELIBERATION REGARDING PROSPECTIVE GIFTS
- Section 551.074      PERSONNEL MATTERS
- Section 551.076      DELIBERATION REGARDING SECURITY DEVICES

- A.     Andres Perez-Ruiz v. The City of El Paso, et al, Cause No. EP-02-CA-0171-DB, Our File No. 02-S-20 (551.071)
- B.     Felicitas Pichardo, Our File No. 02-C-187 (551.071)
- C.     DOJ Decision reference Richard Juarez, EEOC No. 361 AO-0366 (551.071)
- D.     Richard N. Azar & Jerry M. Coleman, d/b/a Azar-Coleman Properties, vs. the City of El Paso & the El Paso Central Appraisal District, Cause No. 2002TX-634 (551.071)
- E.     Texas Commission on Environmental Quality (TCEQ) Permit Application No. MSW - 2299 (551.071)
- F.     Discussion and action on city park swings. (551.071)

Motion made by Representative Cook, seconded by Representative Power and unanimously carried to adjourn the Executive Session and reconvene the meeting of the City Council, during which time motions were made as follows:

Motion made by Representative Medina, seconded by Representative Cook and carried that the City Attorney's Office be authorized to **HIRE A PRIVATE INVESTIGATOR** in the case entitled **ANDRES PEREZ-RUIZ vs. THE CITY OF EL PASO et. al.**; Cause No. EP-02-CA-0171-DB; Our File No. 02-S-20.

Motion made by Representative Medina, seconded by Representative Cook and carried that the City Attorney's Office be authorized to **HIRE A MEDICAL EXPERT AS CONSULTANT** in the case entitled **ANDRES PEREZ-RUIZ vs. THE CITY OF EL PASO et. al.**; Cause No. EP-02-CA-0171-DB; Our File No. 02-S-20.

Motion made by Representative Medina, seconded by Representative Cook and carried that the claim entitled **FELICITAS PICHARDO; Our File No. 02-C-187** be **DENIED** as recommended by the City Attorney.

No action was taken on DOJ Decision reference Richard Juarez, EEOC No. 361 AO-0366 (551.071).

No action was taken on Richard N. Azar & Jerry M. Coleman, d/b/a Azar-Coleman Properties, vs. the City of El Paso & the El Paso Central Appraisal District, Cause No. 2002TX-634 (551.071).

Motion made by Representative Medina, seconded by Representative Cook. and carried that the City Attorney's Office be authorized to submit Comments, a Request for Public Hearing and a Request for Contested Case Hearing to the Texas Commission on Environmental Quality (TCEQ), regarding TCEQ Permit No. MSW-2299; and should TCEQ seek the issuance of this permit, that the City Attorney's Office be authorized to oppose Permit No. MSW-2299, on behalf of the City of El Paso.

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Motion made by Representative Sariñana, seconded by Representative Cobos and unanimously carried to adjourn this meeting at 11:12 a.m.  
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APPROVED AS TO CONTENT:

  
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Richarda Duffy Momsen, City Clerk